

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

HYE KIM
3677 RAYCREST COURT
SANTA ROSA, CA 95404

###-##-8824

Debtor(s).

Case No.: 10-1-0955 AJ13
Chapter 13

NOTICE BY DAVID BURCHARD, CHAPTER 13
TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES

341 MEETING OF CREDITORS:

Date: 04/20/2010
Time: 1:00 PM
Place: Office of the United States Trustee
777 Sonoma Ave., First Floor, #116
Santa Rosa, CA 95404

CONFIRMATION HEARING:

Date: 05/17/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
99 South E Street
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. The plan does not meet the requirements of 11 U.S.C. § 1325(d), as the plan payment is insufficient to pay all secured, priority and administrative claims, and therefore, the plan is not feasible. The Trustee requests that debtor's counsel amend the plan to pay these claims.
2. GMAC Mortgage, IndyMac Bank and National City are listed in Schedule D, however, have been omitted from the plan. The Trustee requests that debtor's counsel amend the plan and provide treatment to these secured creditors.
3. Schedule I lists business income in the amount of \$2,500.00 while Question 18 in the Statement of Financial Affairs indicates "none". The Trustee requests that debtor's counsel amend the appropriate schedules so they are accurate and consistent.
4. Both the Debtor's Plan and the Statement Pursuant to Rule 2016(B) indicate attorney's fees as zero, while Question 9 in the Statement of Financial Affairs reflects \$3,726.00 was paid. The Trustee requests that debtor's counsel amend the appropriate schedules so they are accurate and consistent.

5. Schedule I lists one dependent while Question 16 in Form B22C lists a household size of 3. The Trustee requests that debtor's counsel amend the appropriate schedules so they are accurate and consistent.
6. Form B22C fails to list income derived from self-employment and real property. The Trustee requests that debtor's counsel amend Form B22C and provide this omitted income.
7. Question 17 in Form B22C lists the applicable commitment period as 36 months while the plan provides for a term of 22 months. The Trustee requests that debtor's counsel amend the plan and provide a term of 36 months.
8. Question 17 in Schedule B lists alimony in the amount of \$2,500.00, however, Schedule I fails to list this income. The Trustee requests that debtor's counsel amend Schedule I and provide this omitted information.
9. Schedule J lists mortgage and/or rent payments totaling \$12,791.00. The Trustee requests that debtor provide proof of these expenses for the six months prior to the filing of the Bankruptcy.
10. The Trustee requests that debtor provide a copy of the most recent property appraisals with respect to all properties listed in Schedule A.
11. The Trustee requests a *signed* copy of the debtor's federal income tax return, to be received no later than four business days prior to the date of the first scheduled Meeting of Creditors.
12. The Trustee requests copies of all payment advices received in the six months prior to the filing of the Bankruptcy (September through February 2010), or, in the alternative, a filed debtor's declaration that details why these advices cannot be provided.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: April 19, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, WENDY KARNES, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

HYE KIM
3677 RAYCREST COURT
SANTA ROSA, CA 95404

JENNIFER HENDRICKSON
HENDRICKSON LEGAL SERVICES
703 2ND ST. FOURTH FLOOR
SANTA ROSA, CA 95404

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: April 19, 2010

WENDY KARNES
WENDY KARNES